S.B. Civil Writ Petition No.179/2000
S.B. Civil Misc. Stay Appl. No.150/2000
Radhika Marbles Industries Vs. Rajasthan Financial Corporation & Anr.

07.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. Saransh Saini for petitioner.
Mr. G.C. Garg for respondent.

Although the writ petition has been filed by the petitioner against the demand notice dated 10/15th December, 1999 with the prayer that the respondents be required not to claim interest on installment for the period the possession of the whole site as per the deed of Conveyance was not handed over to the petitioner. The dispute lies within the narrow campus that the petitioner purchased the site of a factory in auction from the respondent RFC which had

become available to it on account of default of some other creditors. According to the petitioner, possession of the whole of the factory premises had not been handed over to him because on part of it, stock and other material of the earlier creditor was lying. They cannot be allowed to release interest or claimed payment of installment till vacant possession of complete premise was handed over to them.

On the other hand Shri G.C. Garg, the learned counsel for the respondent contends that it was a very small portion of the whole of the premises but in fact the petitioner had started running the factory long ago. He further submits that an out of Court settlement between the parties has already been arrived at as

per the settlement scheme of the RFC, action for which was initiated on the representation of the petitioner. He in this connection referred to a communication dated 5.9.2006 addressed by the Branch Manager, Kishangarh to the Manager (I/c-Law) at head office of RFC, Jaipur.

Without expressing any opinion on the merits of the case I do not deem it appropriate, in view of the subsequent developments, to continue this petition. If any further grievance remains the petitioner may avail the remedy as may be available to him under the law.

With these observations, the writ petition is dismissed and consequently the stay petition also stands dismissed.

RS/- **(Mohammad Rafiq),J.**